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IFW GP 2613

AUG 3 1 2006 PTO/SB/21 (09-04) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no espond to a collection of information unless it displays a valid OMB control number. Appleation Number 09/930 421 TRANSMITTAL Filing Date August 15, 2001 First Named Inventor **FORM** Noah J. Ternullo Art Unit 2613 **Examiner Name** Singh, Dalzid E. (to be used for all correspondence after initial filing) Attorney Docket Number 12078-139 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC ✓ Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a **Proprietary Information** Provisional Application After Final Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Identify Terminal Disclaimer **Extension of Time Request** below): Return postcard Request for Refund **Express Abandonment Request** CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Response D Under 37 C.F.R. 1.111 Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Burns & Levinson LLP Signature Printed name David W. Gomes Reg. No. Date August 28, 2006 27,640 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

David W. Gomes

Typed or printed name

Date

August **)**, 2006



## **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 2006.

David W. Gomes Reg. No. 27,640

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Noah J. Ternullo et al.

TC/A.U.:

2613

Appl. No.:

09/930,421

Examiner:

Singh, Dalzid E.

Filed:

August 15, 2001

Confirmation No.:

1551

Title:

METHOD AND APPARATUS FOR INFRARED DATA

COMMUNICATION

Docket No.:

12078-139

Customer No.: 26486

Response to Office Action of June 15, 2006

BURNS & LEVINSON LLP (formerly PERKINS, SMITH & COHEN, LLP) 125 Summer Street Boston, MA 02110-1624 (617) 345-3000

TO:

Mail Stop Amendments Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## RESPONSE D UNDER 37 C.F.R. § 1.111

Sir:

In response to the second non-final Office Action dated June 15, 2006, allowing claim 85, objecting to claims 3-6, 48, 59-69, and 71-73, and rejecting pending claims 1, 2, 7-11, 29-33, 43-47, 58, 70, and 74-84 in the above-mentioned application, please enter the present response:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 16 of this paper.